

TSCA Update

Regional Division Director's Meeting

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U.S. Environmental Protection Agency

Existing Chemicals

Assessment to Action

Prioritization

- 20 Highs (December 2019)
- 20 Lows (February 2020)

Assessment

- Risk Evaluations
 - Status of Initial 10
 - 20 High-priority
 - Scopes and Initial List of Manufacturers Subject to Fees released in September
 - Manufacturer-Requested

Action

- Risk Management in 2020
 - Must begin immediately after final risk evaluation if unreasonable risks identified for any conditions of use

Risk Management Requirements

- Under TSCA, EPA is required to take action to address chemicals that pose unreasonable risks to human health or the environment
- EPA must issue a TSCA section 6(a) rule following risk evaluation to address all identified unreasonable risks within two years:
 - Proposed rule one year after risk evaluation
 - Final rule two years after risk evaluation
- Required under TSCA to address all unreasonable risks
- Specific requirements on consideration of alternatives, selecting among options and statement of effects apply to risk management rules
- Input from all stakeholders is critical to the process, including but not limited to agency workgroups, small businesses, chemical users, NGOs, etc.
- Final risk evaluations published for methylene chloride, 1-bromopropane, HBCD, and carbon tetrachloride. All identified unreasonable risks.
- Six more risk evaluations in final stages of completion.
- Aggressive rulemaking timelines

Regional Engagement in Risk Management

- Given the aggressive timelines for rulemaking, OPPT is, by necessity, leading change in how this work is done.
- Stakeholder engagement is a critical element of the effort, to ensure any future regulations are based on timely information and are practical and implementable.
- Regions can play a role in helping identify stakeholders and in amplifying our outreach, e.g., to the environmental justice community.
 - Formal consultations are ongoing for Federalism, Tribal governments, small businesses, and EJ
 - We routinely meet with interested stakeholders from industry and NGOs
- Regions may also choose to have staff participate in rulemaking workgroups
 - Workgroups are operating under tight timelines
- Contact ECRMD for more information.

Other Actions

PBT Rules

- Proposed rule covering all five PBTs was signed statutory deadline of June 22, 2019
- Each PBT will have its own final action which we are aiming to finalize later this year.

Lead Rules

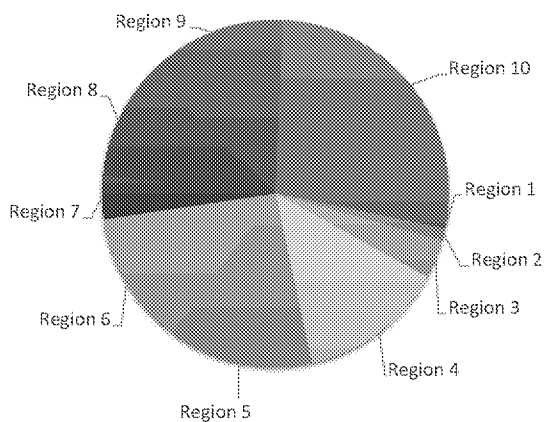
- Revised Dust Lead Hazard Standards
 - Finalized July 2019
- Revised Dust Lead Clearance Levels
 - Proposed Rule published in June, working to finalize the Rule shortly
- Thank you for significant regional work for the lead-based paint program

RY 2019 TRI National Analysis

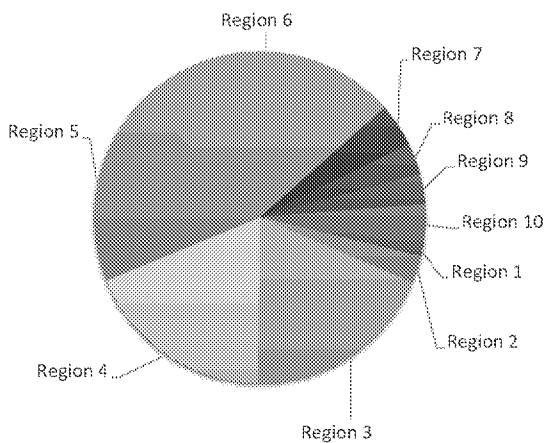
- Production-related waste managed decreased 3% from 2018-2019
- Total disposal or other releases decreased 9% from 2018-2019 to 3.4 billion lb
- New this year:
 - Profile of fabricated metals manufacturing sector
 - Infographic illustrating how TRI fits into the larger picture of EPCRA
 - Comparative analysis of impact of late filers and revisions
 - Expanded regional breakdown of national data (next slide)

2019 NA – Regional Comparison of National Data

Releases by Region, 2019



Production-Related Waste by Region, 2019



New regional comparison added to landing page for regional profiles section of the 2019 National Analysis



Regional Support for 2019 National Analysis Publication

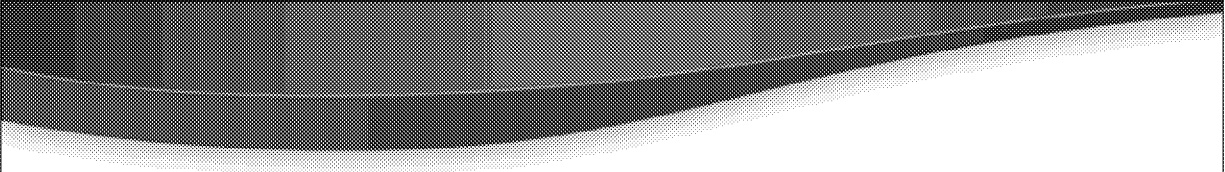
- Assistance with data quality calls to facilities (all)
- Participation on National Analysis workgroup by regional coordinators (R5 and R8)
- Support in development of Spanish search tool on TRI homepage (R4)
- Review of each regional profile for inclusion in NA website (all)
- Assistance in planning communications roll out activities which could include developing regionally-specific press releases and planning/executing regional media calls or events (all)

PFAS

- NDAA
 - NDAA automatically added 172 PFAS to the TRI
 - Section 8 rule for PFAS data required by January 2023
- Long chain PFAS Significant New Use Rule
 - Signed June 2020
 - To account for articles provision in TSCA, the final rule requires review for new or phased out uses that could otherwise begin without review/restrictions
 - Supplemental Guidance on Surface Coatings
- New Chemicals Program
 - Review and restrictions to address any unreasonable risk for new PFAS

TSCA Section 8(a)(7) PFAS Data Call

- EPA must finalize a rule by January 1, 2023 to require manufacturers (including importers) of PFAS in any year since January 1, 2011 to submit a report to EPA containing certain information for each year since January 1, 2011.
- The scope of PFAS for this rulemaking will be presented as a list and as a definition with structural examples in order to capture any PFAS without specific chemical identities.
- Rule will collect data on amounts manufactured or processed, descriptions of byproducts, all *existing* info on environmental and health effects, worker exposure, disposal, among other data elements.



Pollution Prevention (P2)

- FY 20-21 P2 STAG grants
 - 42 grants across 39 states
- FY 20-21 Source Reduction Assistance (SRA) grants
 - 11 grants across 9 states
- Both programs require substantial participation from regions – thank you for all your efforts!



Thank You!

Thank you for all the regional engagement in
TSCA, EPCRA, and P2 Act work!